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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,827	11/13/2001	Henry Michael Denecke	DENEC-52798	5829

24201 7590 06/29/2006

FULWIDER PATTON  
6060 CENTER DRIVE  
10TH FLOOR  
LOS ANGELES, CA 90045

EXAMINER

JONES, HEATHER RAE

ART UNIT PAPER NUMBER

2621

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/992,827	<b>Applicant(s)</b> DENECKE ET AL.	
	<b>Examiner</b> Heather R. Jones	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10, 13, 15, 17-22, 26, 29-31, 33, 34, 37-42, 45, 47, 49-54, 58, and 61-63 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 11, 12, 14, 16, 23-25, 27, 28, 32, 35, 36, 43, 44, 46, 48, 55-57, 59, 60 and 64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. Page 7, line 28: change "28" to -30--.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "138" has been used to designate both an input in Fig. 4 and the electroluminescent power supply in Fig. 4.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 6, 9, 10, 13, 15, 18, 19, 21, 22 29-31, 33, 34, 37, 38, 41, 42, 45, 47, 50, 51, 53, 54, 61-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Berardi (U.S. Patent 5,638,151).

Regarding claim 1, Berardi discloses a system for generating, synchronizing, and displaying time code to be recorded on film or videotape during the recording of the video portion of a film or videotape in production, to be utilized in conjunction with a master clock time code recorded in a system for the recording of the corresponding audio portion of the film or videotape in production, wherein the audio recording system is external to the displaying system is synchronized with the audio time code recorded in the audio recording system, comprising: a generating element for generating, synchronizing, and displaying the video time code, mounted in the system (Fig. 4; col. 4, lines 35-50); a display (66) for displaying the synchronized video time code, to which the generating element is connected, mounted in the system.

Regarding claim 2, Berardi discloses all the limitations as previously discussed with respect to claim 1 including that the system comprises a slate (10) (Fig. 1).

Regarding claim 5, Berardi discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the slate (10) further includes a clapper (16), adapted to be closed at the start of a take, and to freeze the time code displayed in the display (66) at the start of the take, for enabling the video recording of the time code at the start of the take, and for enabling synchronizing the recorded video with the recorded audio, further comprising closing the clapper (16) at the start of the take, and freezing the time code displayed in the display at the start of the take (Fig. 1; col. 2, lines 4-16).

Regarding claim 6, Berardi discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as further disclosing a portable power supply (61) for supplying portable power to the slate, a compartment (60) for containing the portable power supply, and a sliding door adapted to cover and enable access into the compartment (it is inherent that there is a door on the power supply compartment in order to access the power supply) (Fig. 2; col. 4, lines 1-6).

Regarding claim 9, Berardi discloses all the limitations as previously discussed with respect to claims 1 and 2 including a face plate (14), and the face plate (14) includes an area thereon for enabling the written entry of information relating to the production (Fig. 1; col. 3, lines 42-58).

Regarding claim 10, Berardi discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as disclosing a settings element

for enabling the setting of modes of operation of the system (col. 4, line 1 – in the control circuit housing is a control circuit that would run the time code slate).

Regarding claim **13**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 5 including that the portable power supply comprises a plurality of batteries (Fig. 2).

Regarding claim **15**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 6 including that a battery pack for containing the plurality of batteries, adapted to be installed in the compartment (Fig. 2 shows a couple of combinations of batteries – it is inherent that the any combination of batteries that supply the correct voltage can be used).

Regarding claim **18**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 9 including that the production-related information that is adapted to be written in the written-entry-enabling area comprises camera logs (Fig. 1; col. 3, lines 42-58).

Regarding claim **19**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 10 as well as disclosing an adjusting element for enabling the adjustment of the settings in the setting element (col. 2, lines 4-6 – an adjustment to the time can be made).

Regarding claim **21**, grounds for rejecting claim 5 apply for claim 21 in its entirety.

Regarding claim **22**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 10 including that the settings element

includes a battery life conserving mode, adapted to be set so as to enable the display to turn off after a set period of time (col. 4, lines 42-48).

Regarding claim **29**, grounds for rejecting claim 15 apply for claim 29 in its entirety.

Regarding claim **30**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, 9, and 18 including that the camera logs include the type of film roll being used and the current film roll in production (Fig. 1; col. 3, lines 42-58).

Regarding claim **31**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, 10, and 19 including that the adjusting element comprises an adjustment setting button, adapted to change the setting upon actuation thereof (col. 2, lines 4-6 – an adjustment to the time can be made – it is inherent that the adjustment element has a button in order to utilize it).

Regarding claims **33, 34, 37, 38, 41, 42, 45, 47, 50, 51, 53, 54, and 61-63**, these are method claims corresponding to the apparatus claims 1, 2, 5, 6, 9, 10, 13, 15, 18, 19, 21, 22, 29-31. Therefore, claims 33, 34, 37, 38, 41, 42, 45, 47, 50, 51, 53, 54, and 61-63 are analyzed and rejected as previously discussed with respect to claims 1, 2, 5, 6, 9, 10, 13, 15, 18, 19, 21, 22, and 29-31 respectively.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 17, 20, 26, 39, 40, 49, 52, and 58 are rejected under 35

U.S.C. 103(a) as being unpatentable over Berardi as applied to claims 1 and 33 above.

Regarding claims **7, 8, and 17**, Berardi discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as disclosing a portable power supply (61) for supplying portable power to the slate. However, Berardi fails to disclose a voltage-displaying element for displaying the voltage of the portable power supply, a low-power warning element for warning of low portable power, or a no-power warning element for warning of no power in the portable power supply. Official Notice is taken that is well known in the art to display the voltage of a portable power supply or to warn a user when the portable power supply is low or when there is no power. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the time code slate as disclosed by Berardi with a voltage-displaying element, a low-power warning element, or no-power warning element in order to inform the user of the strength of the portable power supply and to warn the user when the user would need a new portable power supply so that the device does not turn off during filming.

Regarding claim **20**, Berardi discloses all the limitations as previously discussed with respect to claims 1, 2, and 10, but fails to disclose a settings remembering element for remembering the settings when there is no power in



the system. Official Notice is taken that it is well known in the art to have a memory store the settings of the device when the device is turned off. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a settings remembering element in the time code slate disclosed by Berardi in order to store the current settings so that the user does not have to restore the settings once again when the power is turned back on to the device.

Regarding claim **26**, grounds for rejecting claim 20 apply for claim 26 in its entirety.

Regarding claims **39, 40, 49, 52, and 58**, these are method claims corresponding to the apparatus claims 7, 8, 17, 20, and 26. Therefore, claims 39, 40, 49, 52, and 58 are analyzed and rejected as previously discussed with respect to claims 7, 8, 17, 20, and 26.

#### ***Allowable Subject Matter***

7. Claims 3, 4, 11, 12, 14, 16, 23-25, 27, 28, 32, 35, 36, 43, 44, 46, 48, 55-57, 59, 60, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a time code slate comprising:

- a. A rate-warning element for warning the operator if the video frame rate set in the slate is different from an audio frame rate set in the audio recording system external to the slate (claims 3, 16, 35, and 48).
- b. A rate-determining element for automatically determining an audio frame set in the audio recording system to the slate, and for locking the video frame rate to the audio frame rate (claims 4, 11, 36, and 43).
- c. A scroll-back element for enabling the operator to scroll back to the display of time code at the start of a prior take (claims 12, 28, 32, 44, 60, and 64).
- d. A compartment that is further adapted to house a plurality of control knobs, and the sliding door is adapted to uncover the control knobs for access thereto without uncovering the portable power supply (claims 14 and 46).
- e. The setting element includes a synchronization reminding mode, adapted to be set so as to remind the user to periodically re-synchronize the video time code and the audio time code (claims 23 and 55).
- f. The settings element includes a synchronization locking mode, adapted to be set so as to indicate that the video time code and audio time code have been synchronized, and that the system has been turned on, turned off, and turned on again, alerting the user to re-synchronize the video time code and the audio time code (claims 24 and 56).
- g. The settings element includes a flash frame mode, adapted to be set so as to increase the intensity of the display upon closing the clapper to display a

flash frame, and to hold the intensified display for a number of frames (claims 25 and 57).

h. The settings element includes a low brightness mode, adapted to be set so as to enable the lowering of the brightness of the brightness of the display (claims 27 and 59).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Berardi (U.S. Patent 5,457,507) further discloses the time code slate described in U.S. Patent 5,638,151.
- b. Davies (U.S. Patent 6,831,729) discloses an electronic time code slate.
- C. Bird (U.S. Patent 3,528,731) discloses a conventional time code slate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other F: 7:00 am - 3:30 pm.

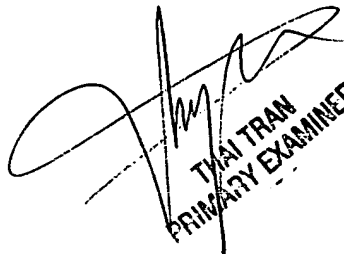
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 26, 2006



THAI TRAN  
PRIMARY EXAMINER